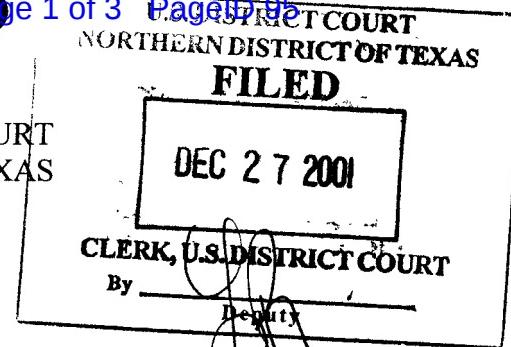


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



JAMAL ELHAJ-CHEHADE,
Plaintiff,

v.

EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES,
Defendant.

CIVIL ACTION NO.

3:01-CV-1301-L

STATUS OF SETTLEMENT NEGOTIATIONS

Educational Commission for Foreign Medical Graduates (“ECFMG”), Defendant, and Jamal Elhaj-Chehade (“Chehade”), pro se Plaintiff, submit this Status Report in compliance with this Court’s scheduling order dated September 27, 2001.

On August 29, 2001, the parties met to discuss the joint status report and settlement prospects as ordered by the Court. During the attorney conference, Chehade made the following settlement demand:

- A. \$750,000 for the past three years;
- B. \$250,000 per year for life once he does become employed as a doctor;
- C. \$10,000,000 in mental anguish; and
- D. ECFMG get him admitted into a medical residency program.

ECFMG is not a placement service or an employment agency. ECFMG verifies the credentials of foreign medical graduates and administers a medical equivalency examination and an English proficiency examination. Once ECFMG has verified that an applicant attended and graduated from the foreign medical school claimed, and after the applicant has passed the medical equivalency examinations and the English proficiency examination, the applicant

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receives a certificate from ECFMG indicating that the applicant has met all requirements. This certificate does not guarantee admission into a medical residency program. Further, ECFMG does not control the decision of a residency director as to whether to admit an applicant into a given residency program. Consequently, ECFMG has no ability to secure Chehade's admission into a medical residency program and has no ability to secure his employment in the medical profession.

Chehade is unwilling to accept anything less than his settlement demand listed above and has indicated that if he loses this case, he will file another one against ECFMG until it pays him what he wants. For this reason alone, there is no realistic possibility of settlement.

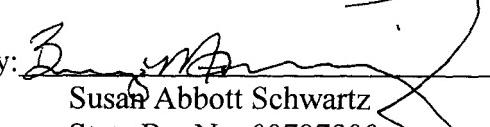
On December 17, 2001, the parties spoke on the telephone regarding the instant litigation before this Court. During that telephone conversation, Chehade indicated that if he did not get what he wanted from the Fifth Circuit Court of Appeals¹ or in the instant litigation, he would file two (2) more lawsuits against ECFMG.² Chehade indicated that he would continue to file lawsuits against ECFMG and to drag them "into the mud of the court and have them taste their cooking." In light of Chehade's threats to continue to file frivolous claims against ECFMG, there was no progress with settlement negotiations.

This Court has recently had to threaten Chehade with monetary sanctions and possible dismissal for his actions in this case. ECFMG has been litigating with Chehade for nearly three (3) years over the same issues and ECFMG has learned that there is no reasoning with Chehade. Therefore, ECFMG must regretfully report to this Court that there are no hopes of settlement in this matter.

¹ As this Court is aware, Chehade appealed his previous lawsuit to the Fifth Circuit. The Fifth Circuit has recently ruled that Chehade's appeal is frivolous and dismissed the appeal.

Respectfully submitted,

By:


Susan Abbott Schwartz
State Bar No. 00797900


Barry A. Moscowitz
State Bar No. 24004830

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ATTORNEYS FOR DEFENDANT
EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

CERTIFICATE OF SERVICE

The undersigned certifies that on this 27th day of December, 2001, a true and correct copy of the above and foregoing document was served via certified mail, return receipt requested upon the following party appearing *in forma pauperis* of record:

Jamal Elhaj-Chehade
5414 Cedar Springs, #806
Dallas, Texas 75235


Barry A. Moscowitz

K:\35200\02\pldgs\settlement status report.doc

² This Court has previously noted that Chehade's instant claims appear to be the same as his prior claims on which summary judgment has been granted and the appeal has been dismissed. Defendant anticipates filing a motion for summary judgment in the very near future.